

9 FAM 42.63

PROCEDURAL NOTES

*(CT:VISA-2236; 12-17-2014)
(Office of Origin: CA/VO/L/R)*

9 FAM 42.63 PN1 PACKET SYSTEM

9 FAM 42.63 PN1.1 Importance of Standard Procedures

(CT:VISA-1919; 10-04-2012)

- a. Consistency and standardization are important to the immigrant visa (IV) process. In the past, the Department used standardized mailings in the IV process, known as the “packet system.” More recently, electronic resources have provided the ability to address a wider range of questions.
- b. Consular managers must remember that the IV process remains confusing to many applicants, especially those who do not have regular access to the Internet.

9 FAM 42.63 PN1.2 General Guidelines

(CT:VISA-2236; 12-17-2014)

a. Inquiries regarding immigration:

- (1) The following standardized mailings are no longer used:
 - (a) Packet 1;
 - (b) Packet 2; and
 - (c) Packet 2a
- (2) Respond to general inquiries regarding immigration by sending the appropriate information sheets. This includes questions about:
 - (a) General immigration to the United States;
 - (b) Specific family-based immigration programs; and
 - (c) Specific employment-based immigration programs.
- (3) Do not retain any record of incoming inquiries on these topics in post correspondence files; and
- (4) Do not retain any record of response to these topics in post

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correspondence files.

b. Packets for Immigrant Visa Processing. *There are three standard IV instruction packets:*

- (1) Instruction Package for Immigrant Visa Applicants (previously known as Packet 3);
- (2) Appointment Package for Immigrant Visa Applicants (previously known as Packet 4); and
- (3) Follow-Up Instruction Package for Immigrant Visa Applicants (previously known as Packet 4a).

c. Combining packets:

- (1) When combining packets, you must strictly observe the regulations defining:
 - (a) "entitled to immigrant classification;"
 - (b) "documentarily qualified;" and
 - (c) "priority date."
- (2) Use common sense when the situation warrants. 9 FAM 42.52 and 9 FAM 42.53 contain additional guidance.

For example, you know that the intending immigrant is the spouse of a U.S. citizen. In this case, you should provide any information requested by the applicant or his or her agent(s). In this situation, you must be careful to remind inquirers of the importance of pursuing the IV process in a timely manner to avoid expired documentation.

9 FAM 42.63 PN2 IMMIGRANT VISA PETITIONS APPROVED BY DEPARTMENT OF HOMELAND SECURITY (DHS)

(CT:VISA-2236; 12-17-2014)

- a. The National Visa Center (NVC) receives all IV petitions that were:
 - (1) Approved by the U.S. Department of Homeland Security, and where
 - (2) The principal applicant will apply overseas at a U.S. embassy or other diplomatic post.
- b. NVC takes the following steps upon receiving a petition (see 9 FAM 42.63 PN5):
 - (1) NVC enters the petition data into the Immigrant Visa Information System (IVIS);
 - (2) If the petition is active (immediate relatives and those with priority dates that fall within the qualifying dates set by CA/VO/F/I), NVC sends

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instructions for accessing *and completing* Form DS-261, *Online Choice of Address and Agent*.

(3) If the petition is *for an* oversubscribed *category* with *a* noncurrent priority *date*, the NVC will send the applicants the "Notice of Registration as an Intending Immigrant" letter:

- This letter confirms receipt of the petition at NVC and notifies the applicant of his or her priority date; and
- The letter was previously known as Packet 3a.

NOTE: If an email address is available, NVC sends all communications via email instead of physical *mail*. This is true for all informational packets and checklist letters during document collection.

9 FAM 42.63 PN3 PROCESSING APPLICANTS WHEN CASE BECOMES CURRENT

9 FAM 42.63 PN3.1 Form DS-261, Online Choice of Address and Agent for Immigrant Visa Applicants

(CT:VISA-2236; 12-17-2014)

- This form allows the principal applicant to designate an agent for his or her case.*
- "Agent" means the person who will receive mailings from NVC:
 - The agent may be the petitioner, an attorney, *a* friend, or a nongovernmental or community-based organization;
 - The agent cannot sign documents on behalf of the applicant;
 - The agent can assist with fee payments and document collection; and
 - The *principal* applicant may choose to designate him or herself as the agent.
- The *NVC holds the* file until the *principal applicant signs and submits Form DS-261*. If *there is no contact with NVC within one* year and a visa number is available, the NVC will begin the case termination process. (See 9 FAM 42.83 for further details.)

9 FAM 42.63 PN3.2 When Form DS-261, Online Choice of Address and Agent Is Not Required

(CT:VISA-2236; 12-17-2014)

No Form DS-261, Online Choice of Address and Agent, is required if:

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- (1) The alien is self-petitioning;
- (2) An alien is a child and is being adopted; or
- (3) *The NVC receives the petition from USCIS with a Form G-29, Notice of Entry of Appearance as Attorney or Accredited Representative, on file.*

9 FAM 42.63 PN3.3 Responsibility of the Petitioner

(CT:VISA-2236; 12-17-2014)

- a. When the NVC sends instructions for accessing Form DS-261, Online Choice of Address and Agent to the applicant, the NVC also will send an *Affidavit of Support (AOS) fee bill to the petitioner for some visa classifications.* When *cases become* active, the initial instruction packet (see 9 FAM 42.63 PN 2) includes the following additional items:
 - (1) The AOS fee bill;
 - (2) Instructions describing how and where to pay the fee; and
 - (3) *Instructions* for accessing Form DS-261.
- b. The NVC also notifies the petitioner that no further action can be taken until the fee is paid.
- c. Upon payment of the fee, the petitioner is instructed to complete the AOS form and return it to the NVC (see 9 FAM 42.63 PN3.4).

9 FAM 42.63 PN3.4 Returning the Affidavit of Support (AOS)

(CT:VISA-2236; 12-17-2014)

- a. If the AOS fee is paid by mail, NVC mails the Petitioner Packet instructions to the petitioner, which directs them to the *online processing instructions.*
- b. If the AOS fee is paid online, the agent is provided with this information online once the fee payment has been confirmed. No mailing is necessary.
- c. The information provided in either case instructs the petitioner to *complete* one of the Affidavit of Support (AOS) Forms (I-864 *Affidavit of Support Under Section 213A of the Act*, I-864EZ, *Affidavit of Support Under Section 213A of the Act* or I-864W, *Intending Immigrant's Affidavit of Support Exemption*) and return it to NVC.

9 FAM 42.63 PN4 SENDING INSTRUCTIONS FOR IMMIGRANT VISA APPLICANTS

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(CT:VISA-2236; 12-17-2014)

- a. Once an agent has been designated (see 9 FAM 42.63 PN3.1) or when the ACL is not required (see 9 FAM 42.63 PN3.2), NVC sends the IV application fee bill for each applicant to the designated agent.
- b. The IV fee bill letter instructs the applicant how and where to pay the IV fee bill.
- c. If the IV fee is paid by mail, NVC will mail the Instruction Package for Immigrant Visa Applicants to the designated agent.
- d. If the IV fee(s) are paid online, the agent will be provided with information online once the fee payment has been confirmed. No mailing is necessary.
- e. *Both the physical and online instructions inform the agent to complete Form DS-260, Online Application for Immigrant Visa and Alien Registration.*

9 FAM 42.63 PN4.1 Cases Processed at Posts with Document Review Support and Scheduling Provided by National Visa Center (NVC)

(CT:VISA-2236; 12-17-2014)

- a. For posts at which NVC reviews local documents and schedules IV appointments, it will instruct the agent or applicant to return the completed forms to the NVC after paying the processing fees for visa application.
- b. This process is called "appointment post processing."
- c. When the file is complete, NVC will schedule an appointment with a consular officer and send the IV appointment letter to every valid *email* address associated with the case record; (*physical letters are only sent in a valid email address has not been provided*). NVC will then forward the case file and electronic record to the post. NVC will work directly with posts to ensure that posts' scheduling preferences are implemented.
- d. NVC performs the "appointment post processing" for all IV issuing posts (one post – Guangzhou, China – uses this process on a limited type of IV cases which are processed electronically; for all other cases being processed in China, NVC will collect all the documents but not schedule the visa interview).

9 FAM 42.63 PN4.1-1 Reviewing the Files

(CT:VISA-2236; 12-17-2014)

- a. NVC will review the following forms (when applicable) for each case file:
 - (1) Form *DS-261*, Online *Choice of Address and Agent*;
 - (2) *Form DS-260*, Application for Immigrant Visa and Alien Registration;
 - (3) Form I-864, Affidavit of Support Under Section 213A of the Act; and

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(4) Civil documents and police certificates.

b. Depending on the post, NVC will follow one of two possible paths:

- (1) Collect paper documents and forms by mail. NVC requires original documents (or certified copies from the issuing authority) for all civil documents; and
- (2) Collect documents and forms electronically:
 - (a) In electronic (paperless) processing, the petitioner and agent email scanned images of the forms and documents to a designated email box at NVC;
 - (b) NVC will scan the original petition and documentation provided by USCIS;
 - (c) NVC will review the documentation for accuracy and attach the images provided by the petitioner and agent to the electronic case file;
 - (d) The appointment letter contains explicit instructions explaining that the applicant must bring the paper documents and forms to the visa interview; and
 - (e) Post will have access to the information once the case has been scheduled for a visa interview. The IVIS record will also be placed in the electronic case file for downloading into the automated immigrant visa (IV) system.

9 FAM 42.63 PN4.1-2 Incomplete Cases or Cases Lacking Documentation

(CT:VISA-2236; 12-17-2014)

- a. If the case file is incomplete or lacks proper documentation, the NVC will send a checklist to the petitioner or agent indicating what changes are needed. The petitioner or agent will be told to return the required information to the NVC.
- b. After two reviews by the NVC, the file will be scheduled for an interview, even if it still contains errors or omissions, provided that at a minimum:
 - (1) The petitioner has submitted a signed Form I-864, Affidavit of Support Under Section 213A of the Act;
 - (2) All traveling applicants have *completed* Form DS-260, Online Application for Immigrant Visa and Alien Registration; and
 - (3) All required police certificates have been provided.

Note: If an I-864W is required, NVC will request it one time. If the form is not submitted, the case will be scheduled for an interview and the applicant should be required to complete the form at the time of the interview.

- c. If the petitioner or agent does not return the documents within 1 year and a

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visa is available, the NVC will initiate the administrative process for post to begin case termination.

- d. Under specific circumstances approved by VO, NVC will not schedule a visa interview until all requested documentation has been provided. NVC refers to this as the Fully Qualified process.
- e. A case that is required to be Fully Qualified will be reviewed for the following:
 - (1) All required fees are paid;
 - (2) All AOS forms are submitted and void of critical errors;
 - (3) All Immigrant Visa Application forms are received and void of critical errors;
 - (4) All civil documents are received and meet the guidelines in the Visa Reciprocity and Country Documents Finder;
 - (5) Any required supporting financial evidence from all sponsors is received; and
 - (6) The only exception to these rules is if an applicant informs NVC they are unable to obtain certain civil documents.
- f. For cases that are required to be Fully Qualified, there is no limit to the number of requests for information that are sent. NVC will continue to send requests for information until all necessary fees, forms, and documents are received and accurate.

9 FAM 42.63 PN5 INSTRUCTION PACKAGE FOR IMMIGRANT VISA APPLICANTS SENT PROMPTLY WHEN QUALIFYING DATE REACHED

(CT:VISA-1919; 10-04-2012)

- a. The National Visa Center (NVC) is responsible for the dispatch of virtually all instruction packets. The instruction packet for immigrant visa (IV) applicants (formerly known as "Packet 3") is described below.
- b. It is vitally important to promptly mail or otherwise provide the instruction package for immigrant visa applicants to applicants who are:
 - (1) Entitled to immigrant status; and
 - (2) Whose priority dates are within the qualifying dates established by the Department.
- c. Whenever it is not possible to provide the instruction package in a timely manner, the post or NVC must submit a report, by memorandum, to the Department outlining the reasons it is unable to do so.

9 FAM 42.63 PN5.1 Records Updated to Reflect Information Provided

(CT:VISA-2141; 07-17-2014)

- a. If provided by post, the automated Immigrant Visa Overseas (IVO) system will automatically record the date that post prints the Instruction Package for Immigrant Visa Applicants cover letter:
 - (1) Posts must provide this letter and attachments as soon as possible after printing; and
 - (2) If you provide later copies of the Instruction Package for Immigrant Visa Applicants to the applicant, make a record in the comments field of the IV application to reflect this fact.
- b. The IVIS system used at NVC will also record the date the Instruction Package for Immigrant Visa Applicants is printed or downloaded from the Internet after the IV fees are paid (see 9 FAM 42.63 PN4).

9 FAM 42.63 PN5.1-1 Aliens Not Subject to Numerical Limitation or for Whom Visa Number Available

(CT:VISA-2236; 12-17-2014)

- a. The Instruction Package for Immigrant Visa (IV) Applicants from post consists of:
 - (1) The cover letter for the instruction package (generated by the IVO system);
 - (2) Form DS-2001, Notification of Applicant Readiness;
 - (3) Form I-864, Affidavit of Support Under Section 213A of the Act, and instructions, or Form I-134, Affidavit of Support, as appropriate;
 - (4) Instructions for accessing Form DS-260, Online Application for Immigrant Visa and Alien Registration; and
 - (5) Supplemental information sheets, as appropriate, on police certificate and civil document availability by country.
- b. You may also include a local nonstandard form covering other post-specific matters not covered by material above.
- c. For petitions filed at post, you must send the instruction package for IV applicants immediately to applicants, including immediate relatives, who have provided evidence of entitlement to immigrant classification. You should verify that the applicant's priority date (if subject to a numerical limitation) is within the qualifying date established by the Department. Evidence of entitlement to immigrant classification includes:
 - (1) Form I-797, Notice of Action;

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- (2) A petition approved at post;
- (3) Proof of derivative status; or
- (4) Proof of entitlement to returning resident status.

You should also provide the Instruction Package to immigrant visa applicants and others upon request, regardless of whether the inquirer is entitled to immigrant classification, stressing that they should take no action unless directed by the NVC, a visa processing post, or their agent.

- d. As noted in 9 FAM 42.63 PN4, the National Visa Center (NVC) will, when the petition is filed in the United States:
 - (1) Send the Instruction Package for Immigrant Visa Applicants to the agent (if the IV fee is paid by mail);
 - (2) If the fees are paid online, the agent will be provided with this information online after the fee payment has been confirmed. No mailing is necessary; and
 - (3) The Instruction Package for Immigrant Visa Applicants that is provided by NVC (generated by the Immigrant Visa Information System (IVIS)) informs the agent to go to the Internet for additional information on what actions are needed next. The URL provided is <http://immigrantvisas.state.gov>.
- e. Upon electronic submission of Form DS-260, Online Application for Immigrant Visa and Alien Registration:
 - (1) You must initiate all appropriate clearances called for in 9 FAM Appendix G—Clearance Procedures;
 - (2) *You must send additional instructions for accessing Form DS-260 to any derivative applicants along with the interview appointment letter and medical forms. (See 9 FAM 42.63 PN12, paragraph c.)*; and
 - (3) *Also, see 9 FAM 42.63 PN11 for additional discussion of determination that an applicant is documentarily qualified.*
- f. The process taken at NVC for qualifying a case and scheduling an interview is described in 9 FAM 42.63 PN4.1-1.

9 FAM 42.63 PN5.1-2 Presenting Affidavits of Support for Overcoming Public Charge Provisions

(CT:VISA-2100; 05-06-2014)

- a. For cases in which INA 213(A) applies, all applicants must submit a properly completed Form I-864, Affidavit of Support Under Section 213A of the Act, and supporting documents (see 9 FAM 40.41 N4.2).
- b. For cases in which INA 213(A) does not apply (for example, nonimmigrant visas such as K-1 fiancé(e) visas), applicants may submit Form I-134, Affidavit of Support, or may submit alternative forms of evidence to overcome the public

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charge provisions of the law.

9 FAM 42.63 PN5.2 Acknowledging Receipt of Noncurrent Petition

(CT:VISA-2100; 05-06-2014)

- a. When the NVC receives an approved petition in a category for which immigrant visa (IV) numbers are unavailable, the NVC must send the "Notice of Registration as Intending Immigrant" (formerly Packet 3a), to the applicant confirming receipt of the petition and explaining further processing steps, as appropriate.
- b. Under the centralized IV process, posts will not receive petitions from the NVC that do not have a visa available.
- c. In the case of any applicant in an oversubscribed category, the NVC must check the petition to determine whether the applicant may benefit from the foreign-state chargeability of the spouse under INA 202(b). If the spouse's birthplace is not provided in the documents available, posts must include instructions for accessing the online Form DS-260, Online Application for Immigrant Visa and Alien Registration, with the letter of confirmation described in paragraph a of this section.

9 FAM 42.63 PN6 NOTICE OF "CONDITIONAL STATUS"

(CT:VISA-2236; 12-17-2014)

- a. Aliens normally entitled to IR-1, IR-2, F21, F22, F23, F24, F25, F31, F32, or F33 classification will be granted "conditional status" (C21, C22, CX1, CX2, CX3, C24, or C25, respectively) at the time of visa issuance if:
 - (1) The basis for immigration is a marriage to a petitioner, which was
 - (2) Entered into less than 2 years prior to the applicant's admission to the United States as an immigrant. (See 9 FAM 42.73 Procedural Notes.)
- b. All information packages for applicants or information *online* in these categories must include a notice of conditional status. The text of the notice is to be followed verbatim:

"If, at the time of admission to the United States you will not have celebrated the second anniversary of your marriage, which is the basis of your immigrant status, you are subject to the provisions of section 216 of the Immigration and Nationality Act. Under the provision, you will be granted conditional permanent residence by an officer of the *U.S. Citizenship and Immigration Services (USCIS)* at the time of your admission to the United States. As a result, you and your spouse must

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file a joint petition with the Immigration and Naturalization Service to have the conditional status removed. The petition must be filed within the 90-day period immediately preceding the second anniversary of the date you were granted conditional permanent resident status. If a petition to remove the conditional basis of your status is not filed within this period, your conditional permanent residence status will be terminated automatically and you will be subject to *removal* from the United States."

9 FAM 42.63 PN7 UNDELIVERABLE CORRESPONDENCE

(CT:VISA-2100; 05-06-2014)

- a. Immigrant visa (IV) petitions related to "undeliverable" correspondence, must be kept in the file until the post receives information which would reflect the status of petition and/or the beneficiary:
 - (1) This is particularly important in cases in which instruction packages for IV applicants cannot be delivered; and
 - (2) You should add a comment in the IVO system documenting the fact that correspondence was returned "undeliverable."
- b. At NVC, the electronic case record will be updated to document the fact that:
 - (1) Physical correspondence was returned "undeliverable," but the physical letter will be destroyed after the update;
 - (2) If the Postal Service provides an updated address on the returned mail, NVC will update the address in IVIS and resend the letter; and
 - (3) An email was "undeliverable," then the letter will be resent via postal service.

9 FAM 42.63 PN8 CLEARANCE PROCESSING

(CT:VISA-1919; 10-04-2012)

- a. The Department has eliminated routine post-to-post (Visas Alpha) clearance requests for all posts. However, it still requires clearance requests when:
 - (1) A Consular Lookout and Support System (CLASS) check indicates derogatory information is on file at post; or
 - (2) Visa Reciprocity and Country Documents Finder specifically requires a clearance of applicants from that country.
- b. In every case, you must make an entry in the automated IV system to show the date and type of background check initiated and the date and result of

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completion.

9 FAM 42.63 PN9 DETERMINING ALIEN DOCUMENTARILY QUALIFIED

(CT:VISA-2236; 12-17-2014)

- a. For petitions filed at post, an applicant is considered to be documentarily qualified after completing the two following steps:
 - (1) The alien has returned Form DS-2001, Notification of Applicant Readiness, and declared that he or she has obtained all of the required documents, or has otherwise notified post that he or she is prepared for interview; and
 - (2) The post has completed all required clearance procedures, or has reason to believe that they will be completed before a visa number will be available for the applicant. (See 9 FAM 42.52 N3.6 regarding the reporting of documentarily-qualified applicants.)
- b. For petitions processed through the National Visa Center (NVC), an applicant is considered to be documentarily qualified after completing the four following steps:
 - (1) Paid all required fees;
 - (2) Completed Form DS-260, Online Application for Immigrant Visa and Alien Registration, for each traveling applicant;
 - (3) Completed and returned a properly completed Form I-864, Affidavit of Support Under Section 213A of the Act, and supporting documents (see 9 FAM 40.41 N4.2) for cases in which *INA 212(a)(4)* applies; and
 - (4) Returned all required police certificates for each traveling applicant.

9 FAM 42.63 PN9.1 Use of Form DS-2001, Notification of Applicant Readiness, Optional

(CT:VISA-2100; 05-06-2014)

- a. The use of Form DS-2001, Notification of Applicant Readiness, by the applicant is optional:
 - (1) This form is provided as a simple way for applicants to communicate with post by mail or fax;
 - (2) You should accept any reasonable notification from the applicant, signed or unsigned, in determining qualification for further processing;
 - (3) Electronic means of notification are equally acceptable; and
 - (4) You should consider cases received from the National Visa Center that are not classified as expedited cases to have received notice of the applicant's

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readiness.

b. NVC does not collect or use Form DS-2001, Notification of Applicant Readiness, as part of the qualification process. Please refer to 9 FAM 42.63 PN4.1-1 for more information.

9 FAM 42.63 PN9.2 Flexibility in Determining Whether Applicant Is Documentarily Qualified

9 FAM 42.63 PN9.2-1 Means of Establishing Whether Applicant Is "Documentarily Qualified" for Cases where Petitions Were Filed at Post

(CT:VISA-1919; 10-04-2012)

a. The concept of "documentarily qualified" is important in IV processing, particularly in numerically controlled visa categories. Different operating environments may call for flexibility in processes used to determine whether an applicant meets this standard, but any process used to determine that an applicant is documentarily qualified must:

- (1) Be used consistently throughout the IV processing district;
- (2) Have the prior approval of the visa office (VO) if prescreening procedures will be used; and
- (3) Be rigorously monitored to ensure you meet the goals of fairness, efficiency and adequate internal controls.

9 FAM 42.63 PN9.2-2 Individual Declaration Versus Prescreening for Cases where Petitions Were Filed at Post

(CT:VISA-1598; 10-28-2010)

a. In many countries, you may determine that self-attestation by visa applicants is adequate evidence of being documentarily qualified for cases in which the petitions were filed at post. In other words, by returning Form DS-2001, Notification of Applicant Readiness, its electronic equivalent, or other communication with post, the applicant may declare that he or she is documentarily qualified and prepared for interview.

b. In other countries, consular managers may determine that a prescreening mechanism of some sort is appropriate. In considering the implementation of a prescreening mechanism, consular managers should address the following questions:

- (1) How high is the overall INA 221(g) refusal rate in immigrant visa (IV) processing? To what extent could this rate be reduced by more rigorous prior review of the documents submitted in connection with the application

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to ensure that the applicant really is "documentarily qualified?"

- (2) Will implementation of a prescreening mechanism reduce the number of times the applicants enter the consular section, thus improving both customer service and security?
- (3) Prescreening will add time at the beginning of the immigrant visa (IV) process prior to formal application and interview. How does the length of this additional prescreening time compare to the average amount of time and effort expended to resolve INA 221(g) and other refusals? (Note that the fact that prescreening takes more time than resolving a refusal is not necessarily an argument against implementing this type of strategy. Added time taken up with mailing documents back and forth is arguably less burdensome on both post and the applicant than time spent waiting in line and in waiting rooms, often in a city other than the place of normal residence.)
- (4) If post has processing backlogs, does time spent processing unqualified applicants delay processing for qualified cases?
- (5) At lower-volume posts, do consular managers find that the small number of cases makes it difficult to realize economies of scale? Would pre-screening streamline the process?
- (6) In the immigrant visa process, the burden of preparing for interview rests primarily upon the applicant. In considering a prescreening process, is post making an effort to ensure that post does not do work on behalf of the applicant?
- (7) What is the real cost to the U.S. Government of any additional screening process?

9 FAM 42.63 PN9.2-3 Immigrant Visa (IV) Prescreening Strategies

(CT:VISA-2100; 05-06-2014)

- a. When immigrant visa (IV) prescreening appears justified, you should employ one of three mechanisms:
 - (1) Document review and interview scheduling by the National Visa Center;
 - (2) Document review by post prior to interview for cases in which petitions were filed at post; or
 - (3) Document review/case preparation through a travel agency or voluntary agency program for cases in which petitions were filed at post.
- b. Regardless of which mechanism you use, you must coordinate prescreening programs with the Visa Office (CA/VO) and should not begin without prior authorization:

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- (1) Among other things, CA/VO will require a written Standard Operating Procedure with details on internal controls and exceptions handling and the opportunity to review any new forms or information sheets that you plan to utilize; and
- (2) You should bear in mind regulations concerning use and approval of nonstandard forms:
 - (a) For instance, the Paperwork Reduction Act requires Office of Management and Budget (OMB) approval before a U.S. Government agency may employ a new form to collect information; and
 - (b) This requirement includes forms for local use by overseas consular sections.

9 FAM 42.63 PN10 POST DOCUMENT REVIEW PRIOR TO INTERVIEW

(CT:VISA-2100; 05-06-2014)

- a. Document review systems ask applicants to obtain documents required for immigrant visa (IV) interview and then submit them by mail, courier, or drop box to post for review:
 - (1) If at all possible, applicants should not appear in person with these documents until actually scheduled for interview; and
 - (2) Under such a procedure, applicants are considered "documentarily qualified" only when they have demonstrated that they have in their possession all of the documents required.
- b. It is important in such a prescreening procedure that detailed standard operating procedures (SOPs) provide guidance to Locally Employed Staff (LE Staff) screeners to limit misunderstandings and accusations of impropriety. Specifically, the SOP must provide:
 - (1) Written standards for documents submitted;
 - (2) Escalation procedures in cases when, despite repeated appearances at the consular section, the applicant remains unprepared;
 - (3) Procedures for handling multiple secondary documents submitted in lieu of requested primary documents;
 - (4) Procedures for documenting contacts with applicants or their agents as the documents are submitted and reviewed. These logging procedures should be as terse as meaningfully possible and should utilize the comments feature in the IVO system; and
 - (5) Provisions for regular officer oversight of the process, including regular detailed audits of individual cases and questions to applicants at time of

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interview concerning their experience with the prescreening process.

9 FAM 42.63 PN11 TRAVEL OR VOLUNTARY AGENCY PROGRAMS

(CT:VISA-2100; 05-06-2014)

- a. The NVC handles scheduling, preprocessing, and document review for almost all IV-issuing posts. Some posts, however, may still be receiving IV case preparation assistance through formal programs with voluntary agencies or travel agents:
 - (1) You may find that voluntary agencies with experience working in the area of refugee resettlement have particular expertise in this area; and
 - (2) Because of the greater importance of the IV process, and the involvement in most cases of U.S. citizen family members or employers, oversight and control is extremely important.
- b. In overseeing such a program, you must keep several points in mind:
 - (1) You must make it very clear to applicants and their agents that we do not endorse or require participation in any private-screening program;
 - (2) You must take care to ensure that applications received through travel or voluntary agencies do not receive preferential treatment, either in terms of expedited processing or degree of scrutiny exercised;
 - (3) You may provide an information sheet describing the availability of such services:
 - (a) This information sheet must include a statement stressing that seeking such services is entirely voluntary and reiterating the fact that the Department of State does not endorse a particular program; and
 - (b) This information sheet must be submitted to CA/VO for approval prior to initiating such a program.
 - (4) You must not provide a particular service provider with preferential treatment:
 - (a) You should give any service provider, whether non- or for-profit, which requests to participate in such a program, identical access to the potential customer pool, subject to review by post's fraud prevention manager; and
 - (b) You must offer any training, monitoring, or feedback provided to all service providers equally.

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9 FAM 42.63 PN12 IMMIGRANT VISA (IV) APPOINTMENT LETTER

(CT:VISA-2100; 05-06-2014)

- a. The Immigrant Visa Appointment Letter provides instructions for IV applicants to make formal application for an immigrant visa:
 - (1) This letter is generated automatically by the immigrant visa (IV) system or by the National Visa Center (NVC); and
 - (2) The instructions in this letter and the links that it provides advise applicants about preparations for the medical examination, obtaining original documentation, providing photographs, and reviewing visa guidelines.
- b. The post or the NVC must send the Immigrant Visa Appointment Letter to aliens who have been determined to be documentarily qualified and for whom an appointment has been scheduled. Posts must not schedule appointments for applicants chargeable to a numerical limitation prior to receipt of allocations of visa numbers from the Department.

9 FAM 42.63 PN13 FOLLOW UP AND NOTIFICATION OF POSSIBLE TERMINATION OF REGISTRATION

(CT:VISA-2236; 12-17-2014)

- a. To comply with the provisions of INA 203(g) (see 9 FAM 42.83) in cases in which applicants have not responded to the instruction package for immigrant visa applicants within *one* year, you must send a follow-up package to include notification of possible termination of registration. In the case of an applicant whose priority date has not been reached on the *one*-year anniversary, you should send this follow-up package when the applicant's priority date is reached.
- b. You may choose to initiate the termination process by mailing only the notice of possible termination of registration, a form letter automatically generated by the automated immigrant visa processing system:
 - (1) If the applicant responds requesting that registration not be terminated, then the follow-up instruction package for immigrant visa (IV) applicants outlined below should be sent;
 - (2) Alternatively, you may choose to send the instruction package as an initial mailing; and
 - (3) The follow-up package consists of:

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- (a) Notice of Possible Termination of Registration;
- (b) Form DS-2001, Notification of Applicant Readiness; and
- (c) Instructions for accessing Form DS-260, Online Application for Immigrant Visa and Alien Registration.

c. All cases held at the NVC will have notifications of termination mailed directly to the applicant. The follow-up package mailed from NVC consists of:

- (1) Notice of Possible Termination of Registration; and
- (2) A response request containing the following:
 - (a) Yes, I wish to pursue my immigrant visa application, please send me information on applying for my immigrant visa. I understand I will have to resubmit all required fees and documents in order to continue the immigrant visa processor; and
 - (b) No, I do not want to pursue my immigrant visa application for one of the following reasons:
 - (i) I have adjusted status (please send a copy of both sides of your alien registration card);
 - (ii) I have received an immigrant visa through another petition and am now a permanent resident (please send us a copy of both sides of your alien registration card);
 - (iii) I am no longer interested in immigrating to the United States; or
 - (iv) Other (please explain).

9 FAM 42.63 PN14 RESPONSE TO FOLLOW UP AND NOTIFICATION OF POSSIBLE TERMINATION OF REGISTRATION

9 FAM 42.63 PN14.1 Applicant Advises Documentarily Qualified

(CT:VISA-2100; 05-06-2014)

- a. If the applicant's response to the follow-up package is to return Form DS-2001, Notification of Applicant Readiness, and Form DS-260, Online Application for Immigrant Visa and Alien Registration, you must process the applicant in the same manner as any other applicant who responds to the instruction package for immigrant visa (IV) applicants (i.e., background checks will be conducted, a number will be requested, a medical exam will be scheduled, and the applicant will be sent an appointment letter).
- b. If the applicant's response to the follow-up package is sent to NVC, NVC will

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start the process of collecting forms and fees again as outlined in 9 FAM 42.63 PN4.

9 FAM 42.63 PN14.2 Applicant Fails to Respond

(CT:VISA-1598; 10-28-2010)

If the applicant does not comply with the follow-up instructions within 1 year and a visa is available, the consular officer or NVC must initiate proceedings to terminate the alien's IV registration. (See 9 FAM 42.83.)